

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10493 GAO

MANUEL ROSA,
Plaintiff

v.

CITY OF BOSTON,
Defendant

**ASSENTED TO MOTION OF CITY OF BOSTON TO CONTINUE
SUMMARY JUDGMENT HEARING**

Now comes the City of Boston, Defendant in the above-entitled action, and hereby asks, pursuant to Fed. R. Civ. P. 6(b)(1), that this Honorable Court continue the July 24, 2006 hearing on the Defendant's Motion for Summary Judgment to August 29, 2006. As grounds therefore, the City of Boston states that:

1. The Court has scheduled a hearing on the Defendant's Motion for Summary Judgment for July 24, 2006;
2. Counsel for the Defendant, Kenneth J. Forton, is currently trying the case of Johnson Turf and Golf Management v. City of Boston, et al., Suffolk Superior Court Docket No. 2001-5673;
3. Counsel for the Defendant expects to still be trying Johnson Golf on July 24, 2006, and on through the first week of August 2006, making counsel unavailable for this Court's motion argument;

4. The Johnson Golf trial was docketed on or about September 16, 2005; and
5. The summary judgment hearing in the above-captioned case was docketed on June 16, 2006.
6. Counsel for both Plaintiff and Defendant have agreed that they are available on the afternoon of August 29, 2006.

For the foregoing reasons, the Defendant respectfully requests that the court continue the summary judgment hearing to August 29, 2006.

Respectfully submitted,

DEFENDANT, City of Boston
William F. Sinnott
Corporation Counsel

By its attorney:

 /s/ Kenneth J. Forton
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